

AMENDED IN SENATE JUNE 12, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Salinas

February 22, 2006

An act to amend Sections 56375.3 and 56375.4 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Salinas. Local government annexation.

Existing law requires a local agency formation commission to approve, after notice and hearing, an annexation to a city of unincorporated island territory if the annexation is initiated on or after January 1, 2000, and before January 1, 2007, and other conditions are met.

This bill would delete the January 1, 2007, limitation and extend this date to January 1, 2014, and would make other conforming changes.

By extending the time that this duty is imposed on local governments, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

~~reimbursement for those costs shall be made pursuant to these statutory provisions:~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56375.3 of the Government Code is
2 amended to read:
3 56375.3. (a) In addition to those powers enumerated in
4 Section 56375, a commission shall do either of the following:
5 (1) Approve, after notice and hearing, the annexation to a city,
6 and waive protest proceedings pursuant to Part 4 (commencing
7 with Section 57000) entirely, if all of the following are true:
8 (A) The annexation is initiated on or after January 1, 2000,
9 and before January 1, 2014.
10 (B) The annexation is proposed by resolution adopted by the
11 affected city.
12 (C) The commission finds that the territory contained in the
13 annexation proposal meets all of the requirements set forth in
14 subdivision (b).
15 (2) Approve, after notice and hearing, the annexation to a city,
16 subject to subdivision (a) of Section 57080, if all of the following
17 are true:
18 (A) The annexation is initiated on or after January 1, 2014.
19 (B) The annexation is proposed by resolution adopted by the
20 affected city.
21 (C) The commission finds that the territory contained in the
22 annexation proposal meets all of the requirements set forth in
23 subdivision (b).
24 (b) Subdivision (a) applies to territory that meets all of the
25 following requirements:
26 (1) It does not exceed 150 acres in area, and that area
27 constitutes the entire island.

1 (2) The territory constitutes an entire unincorporated island
2 located within the limits of a city, or constitutes a reorganization
3 containing a number of individual unincorporated islands.

4 (3) It is surrounded in either of the following ways:

5 (A) Surrounded, or substantially surrounded, by the city to
6 which annexation is proposed or by the city and a county
7 boundary or the Pacific Ocean.

8 (B) Surrounded by the city to which annexation is proposed
9 and adjacent cities.

10 (C) This subdivision shall not be construed to apply to any
11 unincorporated island within a city that is a gated community
12 where services are currently provided by a community services
13 district.

14 (D) Notwithstanding any other provision of law, at the option
15 of either the city or the county, a separate property tax transfer
16 agreement may be agreed to between a city and a county
17 pursuant to Section 99 of the Revenue and Taxation Code
18 regarding an annexation subject to this subdivision without
19 affecting any existing master tax sharing agreement between the
20 city and county.

21 (4) It is substantially developed or developing. The finding
22 required by this subparagraph shall be based upon one or more
23 factors, including, but not limited to, any of the following factors:

24 (A) The availability of public utility services.

25 (B) The presence of public improvements.

26 (C) The presence of physical improvements upon the parcel or
27 parcels within the area.

28 (5) It is not prime agricultural land, as defined by Section
29 56064.

30 (6) It will benefit from the annexation or is receiving benefits
31 from the annexing city.

32 (c) Notwithstanding any other provision of this subdivision,
33 this subdivision shall not apply to all or any part of that portion
34 of the development project area referenced in subdivision (e) of
35 Section 33492.41 of the Health and Safety Code that as of
36 January 1, 2000, meets all of the following requirements:

37 (1) Is unincorporated territory.

38 (2) Contains at least 100 acres.

39 (3) Is surrounded or substantially surrounded by incorporated
40 territory.

1 (4) Contains at least 100 acres zoned for commercial or
2 industrial uses or is designated on the applicable county general
3 plan for commercial or industrial uses.

4 SEC. 2 Section 56375.4 of the Government Code is amended
5 to read:

6 56375.4. (a) The authority to initiate, conduct, and complete
7 any proceeding pursuant to subdivision (a) of Section 56375.3
8 does not apply to any territory that, after January 1, 2000,
9 became surrounded or substantially surrounded by the city to
10 which annexation is proposed. The authority to initiate, conduct,
11 and complete any proceeding pursuant to paragraph (1) of
12 subdivision (a) of Section 56375.3 shall expire January 1, 2014.
13 The period of time between January 1, 2000, and January 1,
14 2014, shall not include any period of time during which, in an
15 action pending in any court, a local agency is enjoined from
16 conducting proceedings pursuant to paragraph (1) of subdivision
17 (a) of Section 56375.3. Upon final disposition of that case, the
18 previously enjoined local agency may initiate, conduct, and
19 complete proceedings pursuant to paragraph (1) of subdivision
20 (a) of Section 56375.3 for the same period of time as was
21 remaining under that 14-year limit at the time the injunction
22 commenced. However, if the remaining time is less than six
23 months, that authority shall continue for six months following
24 final disposition of the action.

25 (b) Between January 1, 2000, and January 1, 2014, no new
26 proposal involving the same or substantially the same territory as
27 a proposal initiated pursuant to paragraph (1) of subdivision (a)
28 of Section 56375.3 after January 1, 2000, shall be initiated for
29 two years after the date of adoption by the commission of a
30 resolution terminating proceedings.

31 ~~SEC. 3.— If the Commission on State Mandates determines~~
32 ~~that this act contains costs mandated by the state, reimbursement~~
33 ~~to local agencies and school districts for those costs shall be~~
34 ~~made pursuant to Part 7 (commencing with Section 17500) of~~
35 ~~Division 4 of Title 2 of the Government Code.~~

36 *SEC. 3. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *a local agency or school district has the authority to levy service*
39 *charges, fees, or assessments sufficient to pay for the program or*

- 1 *level of service mandated by this act, within the meaning of*
- 2 *Section 17556 of the Government Code.*

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